

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL CASE NO. 1:12cr77

UNITED STATES OF AMERICA,)

)

)

vs.)

)

)

KENDRA SHENEA WILCOX.)

)

ORDER

THIS MATTER is before the Court on the Government's Motion to Dismiss [Doc. 20].

For the reasons stated in the motion, it will be granted. The Court is compelled to note, however, that the Defendant has been in custody since September 17, 2012. There is moreover a Motion to Suppress pending in this matter as to which a hearing was conducted by the Magistrate Judge on November 19, 2012. It would appear that the reasons set forth in the motion to dismiss may have or should have been previously available to the Government. No reason has been given for the failure to make the decision to dismiss the indictment prior to detention and the substantial expenditure of judicial resources.

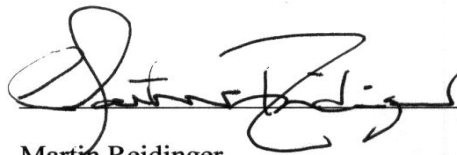
IT IS, THEREFORE, ORDERED that the Government's Motion to Dismiss [Doc. 20] is hereby **GRANTED** and the Bill of Indictment is hereby **DISMISSED** without prejudice.

IT IS FURTHER ORDERED that the Motion to Suppress is hereby **DENIED** as moot.

IT IS FURTHER ORDERED that the Defendant shall be immediately released from custody.

The Clerk of Court is requested to serve a copy of this Order on the United States Marshal Service and the Probation Office.

Signed: January 31, 2013


Martin Reidinger
United States District Judge

